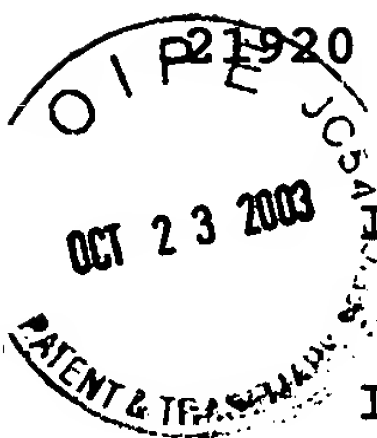


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IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor Josef HAHNL

Patent App. 09/867,695

Filed 30 May 2001

For METHOD OF AND APPARATUS FOR REMOVING BRAKE AND
TIRE RESIDUES FROM A TRAVEL WAY

Art Unit 1746

Conf. No. 6214
Examiner Markoff, A

Hon. Commissioner of Patents
Box 1450
Alexandria, VA 22313-1450

AMENDMENT

This is in response to the Office Action mailed
1 October 2003.

REMARKS

Pursuant to the restriction requirement, Applicant provisionally elects the invention classified in Group II and to which claims 6 through 20 are directed. Applicant has thereby elected the claims drawn to the apparatus.

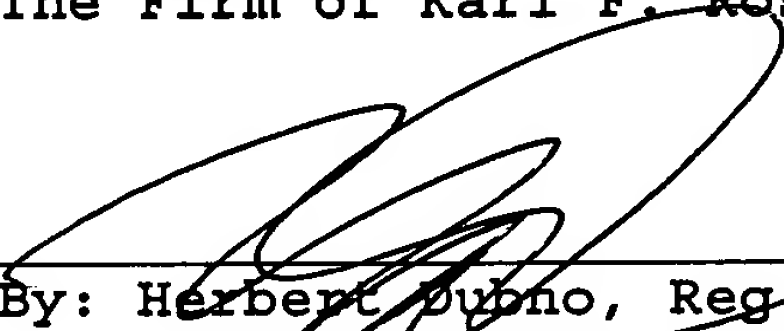
Applicant respectfully traverses the restriction requirement on the ground that the Examiner is not correct in stating that the apparatus as claimed can be used to practice another and materially different process. Perhaps the apparatus, conceived other than as claimed, could be used for a materially different process, but that does not apply to the apparatus "for removing brake and tire residues from a travelled way" and use "at least one vehicle capable of advancing along a strip of the travelled way" to

the extent that that apparatus picks up dust, if the dust is brake and tire residues, then it is performing the method of claim 1.

Since the apparatus as claimed is not used for any different process than that recited in claim 1, the restriction requirement cannot stand.

An action on the merits of all of the claims is urged.

Respectfully submitted,
The Firm of Karl F. Ross P.C.



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22 October 2003
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